

# Federal Defenders OF NEW YORK, INC.

Southern District  
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## VIA ECF

Honorable Vernon S. Broderick  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: ***United States v. Saipov,***  
**(S1) 17 Cr. 722 (VSB)**

Dear Judge Broderick:

We write to respectfully request that the Court order the Bureau of Prisons to provide Mr. Saipov with weekly legal calls until legal visiting resumes at the Metropolitan Correctional Center (MCC). Such an order is necessary to afford Mr. Saipov, who is facing a capital trial, with minimum access to counsel.

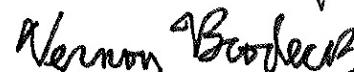
On March 13, 2020, the Bureau of Prisons suspended social and legal visits nationwide for thirty (30) days. See Federal Bureau of Prisons COVID-19 Action Plan, available at [https://www.bop.gov/resources/news/20200313\\_covid-19.jsp](https://www.bop.gov/resources/news/20200313_covid-19.jsp) (Mar. 13, 2020). Accordingly, Mr. Saipov's defense team, including defense counsel, mitigation specialists, our Uzbek interpreter, and other SAMs-approved team members have been unable to physically visit Mr. Saipov for over three weeks. This policy followed the heels of the MCC shutdown in late February, when legal visiting was suspended for eight days. We believe the BOP's visit suspension will continue indefinitely until the COVID-19 public health crisis has abated.

Following the suspension, the MCC complied with our initial requests for legal calls by arranging two calls. But they did so without any advance notice, and the calls were very brief in duration (lasting 10 and 20 minutes, respectively).

Importantly, the MCC has not complied with our most recent request for a legal call. Specifically, on March 26, 2020, we requested a legal call for any day last week. Ten days have elapsed and we have received no legal call and no acknowledgment of that request.

April 6, 2020

Defendant's request for an Order directing the MCC to provide weekly phone calls between Saipov and his Counsel is Denied without prejudice. In light of the Protocol for Attorney Calls at MCC dated April 8, 2020. Defense Counsel is directed to coordinate with the Federal Bureau of Prisons and MCC to arrange for phone calls. Any SAMS restrictions limiting the frequency of phone calls between Defendant and his counsel is temporarily lifted to allow for phone calls consistent with the Protocol, and agreement between the defense and the BOP/MCC. **SO ORDERED:**



HON. VERNON S. BRODERICK 4/13/2020  
UNITED STATES DISTRICT JUDGE

To comport with the Sixth and Eighth Amendments to the Constitution, Mr. Saipov's pretrial detention must afford reasonable access to counsel. *Fed. Defs. of New York, Inc. v. Fed. Bureau of Prisons*, No. 19-1778, 2020 WL 1320886, at \*11(2d Cir. Mar. 20, 2020) ("The right to consult with legal counsel about ... going to trial, testifying at trial, locating trial witnesses, and other decisions confronting the detained suspect, whose innocence is presumed, is a right inextricably linked to the legitimacy of our criminal justice system."); *see also United States v. Bryant Brown*, 20 Cr. 12 (PAE) (Order, Apr. 2, 2020) (ordering, *inter alia*, weekly legal calls for inmate in SHU).

Accordingly, we respectfully request that the Court order the MCC to provide Mr. Saipov with legal calls on a weekly basis, and provide counsel at least 24 hours' advance notice of the date and time of the call. The notice is necessary so that we can ensure that the appropriate SAMS-cleared staff are available to speak with our client. A proposed order is attached to this letter.

Respectfully submitted,

/s/ Annalisa Mirón, Esq.  
Annalisa Mirón, Esq.  
David Patton, Esq.  
Counsel for Sayfullo Saipov  
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cc: Government Counsel  
Nicole McFarland, Counsel for MCC